SATURDAY, APRIL 29, 1905. Showers to-day and to-morrow, with rising temperature.

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PRICE TWO CENTS.

MAYOR'S CHARGE.

Says the Pennsylvania R. R. Threatened Him.

VETOES FRANCHISE BILL.

Railroad's Men, He Declares, Told Him They'd Hold Legislature.

Wouldn't Be "Permitted" to Adjourn, He Says, Until Bill Is Repassed if He Vetoed It-Time Has Come, He Thinks, to Show the Corporation That It Cannot Control New York as It Controls Pennsylvania and New Jersey-Public Duty to Resist Such "Insolence" -Discinims Any Desire to Stir Up Feeling Against the Corporations.

Mayor McClellan vetoed yesterday the fill depriving the Aldermen of all power over granting franchises. In an accompanying memorandum the Mayor, after reviewing the legal reasons against the bill. uses plain language about the influence of the Pennsylvania Railroad over legislation and says that its representatives told him that the Legislature would not be "permitted" to adjourn until the bills were passed over his veto.

This part of the memorandum reads: *Having stated these substantial reasons inherent in the propositions presented. I now offer a more important one, although it arises from an incident in the history of

this legislation. The chief cause alleged for the action of the Legislature is the tardiness of the Board of Aldermen to act on the application of the New York Connecting Railway Company for a franchise to operate a road through portions of the city. The New York Connecting Railway Company is said to be controlled by the Pennsylvania Railroad Company, and this corporation is the promoter of the agitation to deprive the Board of Aldermen of this power over the

granting of franchises. "I have nothing to do with the merits of the dispute between them, and my attitude would, under the circumstances, be unchanged, no matter on whose side the merita were.

"The Pennsylvania Railroad Company but a few years ago acquired a footbold in this city, but it seems determined to exercise its power over public officials here, as it has elsewhere. It has already made plain to me its ability to crush all opposition to its plans.

"Its representatives have come to me in the Mayor's office to advise me that if I did not accept these measures they would nevertheless be passed over my veto. I was urged, should I decide to reject the essly prolong the session of the Legislature. would not be permitted to adjourn until the bills were repassed.

"This corporation, which has so long dominated the States of Pennsylvania and New Jersey, should be taught that it cannot grasp the government of New York or take away or transfer power from public bodies who, whether for good or bad motives, fail to do its bidding. Resistance to these mea ares on this ground is a public duty of the greatest importance.

"I have no desire to inflame any prejudice against corporations as such. They have their rightful purposes. But I believe that unless such manifestations of insolence are rebuked the evils they may engender will imperil the peace and security of our

government. In beginning his message, the Mayor mays that the only argument advanced in favor of the bills was that the Aldermen had committed an abuse of power in failing to act with sufficient promptness on certain railway franchise applications. On this point the Mayor says:

"The proposed amendments are designed either on the theory that such an abuse of power could not be committed by the Board of Estimate and Apportionment or as a punishment to the Board of Aldermen

"The Board of Estimate and Apportionment if granted this power is capable of abusing it, and being composed of fewer men could do so probably with greater ease, so that the argument based on the abuse of power is clearly illogical, and there is no assurance that much will be gained by the change.

'If the amendments are proposed as a punishment of the Board of Aldermen, the same power may be held in reserve for the chastisement of the Board of Estimate if it fails to use its authority as may be thought proper, and so the influences which can induce and control legislation could continue to shift these functions from one set of officers or boards to another until one could be found complacent

enough to suit. "Assuming that the Board of Aldermen may be at fault, the remedy attempted is not the proper one, is inconsistent with our governmental theory and injurious

to public interests. 'The people have the power to replace unfaithful public servants with faithful ones. To 'imply that this method of redress is ineffectual is to doubt the efficiency for purposes of government of a system built upon universal suffrage.

"Furthermore, the argument drawn from on abuse of power could be urged with equal force against form of government and every public officer from the President

"I am no apologist for any Board of Aldermen, past or present, and what I say is

based on the common sense of the situa-"The Board of Aldermen under various names has been a continuous body in our city system from a time long before we had a State government. While I am

quite clear that its fame has not always been creditable to itself or to the city, notwithstanding this fact on every revision of our Charter, the revisers, always met of exceptional standing and ability, have preserved the body with the important function of which this legislation seeks to deprive it. If it becomes advisable in

the interest of the city to abolish the board or curtail its powers, it should be done only after mature deliberation, by measures framed by the city's most capable and

personally disinterested citizens with an eye single to public advantage and in the spirit of home rule. Disappointed private interests should

find it unavailing to carry their resentment to the point of inflaming public prejudices and inducing the State Legislature to favor ill considered measures with no real public good in view.

* These considerations, however, are not the only serious ones which warrant my refusal to accept the bills. At the public hearing before me objections were raised involving the constitutionality of the measures. I am not disposed to assume a judicial attitude on this question. That is not necessary. It is sufficient to say that they raise a doubt which could not be settled perhaps for years, and then only after long litigation. Should it transpire in the end that their contention was right, the city's condition would be intolerable, and its progress, arrested in the interim, might be retarded for years. It is unwise, if there were no other reason for objection, to expose the city to this uncertainty and danger.

GOV. HIGGINS IN TOWN. One Story Is That He Wants to Know What

to Do About the Mayor's Charge. Gov. Higgins came down yesterday from Albany and remained in the city for a little less than four hours. His hurried visit led to many rumors as to its purpose. One of the reports was that he had come to talk over the mortgage tax measure, while another was that he had heard of the intention of the Mayor to charge that the Pennsylvania Railroad was able to control the Legislature, and wanted advice

on what to do about the franchise bill. So far as could be learned the only public official the Governor saw was Collector of the Port Stranahan, and as the Governor never fails to see him when he is in town there was not much significance in that At the Albemarle Hotel, where the Governor makes his headquarters, it was said that he had run down from Albany solely for private

FAVOR SEGREGATION OF VICE. Philadelphia Grand Jury So Reports-Min-

isters Find Shocking Conditions. PHILADELPHIA, April 28 .- By an odd coacidence the committee of seven appointed at a meeting of clergymen to investigate conditions in this city gave out its report for publication to-day at the precise hour chosen by the April Grand Jury for the filing of a final presentment to the Criminal Court in which the egregation of vice and the licensing of houses of ill repute are recommended.

The report of the ministers' committee says that conditions in the Tenderloin have been investigated and found to be absolutely intolerable. The committee included Bishop Mackay-Smith, Father D. I. McDermott, pastor of St. Mary's Catholic Church, and the Rev. Floyd W. Tomkins, the rector of fashionable Holy Trinity. They say that they personally investigated conditions.

One part of the report declares that there has been obtained positive evidence that a "white slave" syndicate, which barters young girls for reasonable prices, is flourishing in the city. It is declared that a check system is used and that the whole bills, to do so promptly, so as not to need- thing goes on with the direct connivance olice department.

Mayor Weaver is asked to demand an explanation from Director of Public Safety David J. Smyth. The demand is made that the law be enforced and all the houses closed up. This is what the April Grand Jury recommended when it ended its term

"We recommend that houses of ill repute be licensed within prescribed limits and under the supervision of the Board of Health. We are of the opinion that these places are a necessary evil and that the only way to deal with them is to confine them in one district and to make them as tolerable as possible."

TINY GIRL DIED FOR BROTHER. Run Over by Funeral Coach as She Pushed Him Out of the Way.

Tiny Parsannan, 4 years old, started out vesterday to find her two-year-old brother lony, who had wandered away from their parents' flat, on the top floor of 209 East Thirty-third street. She located him on the north side of Thirty-fourth street at

the north side of Thirty-fourth street at Third avenue, watching a funeral going toward the Long Island ferry.

The little girl couldn't wait for the long line of carriages to pass. She grabbed her little brother's hand as she saw an opening in the line wide enough to pass. The two children darted through. They were nearing the opposite curb when one of the teams, frightened by the rumble of an elevated shuttle train overhead, broke from the line and started toward them, plunging frantically.

from the line and started toward them, plunging frantically.

Tony at the same moment jerked away from his sister's grasp to pick up a big orange that rolled from a corner fruit stand and stopped at his feet. The girl tried to pull him to the curb. Her strength failing her, she ran behind him and pushed him out of harm's way. At the same instant one of the horses struck her down and the next moment the wheels of the heavily laden coach rolled across her chest.

Capt. Shire and Detectives Winters and Kane, who were standing at the corner when the team took fright, ran to stop it. Winters grabbed the nearest horse and

Winters grabbed the nearest horse and clung to the bridle, while Capt. Shire picked up the unconscious girl and carried her to

the corner drug store.

When Dr. Drury arrived from Bellevue
Tiny was breathing, but faintly. He ran
his hand over the crushed little body, then

shook his head.
"We'll take her home if you know where it is," he told Capt. Shire. "She won't live to reach the hospital."

Capt. Shire learned the child's address from the corner fruit seller and volunteered

Por the control of the same.

Perhaps it won't be so hard for the mother if I carry her home and explain how the brave little thing died," he said.

John Titus of 207 East 104th street, driver of the runaway team, was arrested and held in \$1,000 ball in Yorkville court. The occupants of the coach climbed into other

carriages and went on. CRUSHED TO DEATH BY BIG PIPE. Boy Started It Rolling and Then Fell in

Front of It. James Burns, the fourteen-year-old son of Policeman Michael Burns of the Oakof Policeman Michael Burns of the Oas-land avenue station in Jersey City, was crushed to death last night by a large iron water pipe in Bright street, that city. He ran along the top of several lengths of pipe lying in the gutter, and one of them weighing over a ton rolled, throwing him flat on the ground. The pipe passed over him, causing instant death. He lived at 248 Variok street.

OLD POINT COMPORT, RICHMOND AND WASHINGTON
Six-day tour. May 6, via Pennsylvania Raliroad.
Last of the season. Rate, covering necessary expenses, 836. Old Point Comfort only, special srip, 817. Consult ticket agents.

REPORT CUTS GAS TO 75 CENTS

STEVENS COMMITTEE ALSO LOW-ERS PRICE OF ELECTRICITY.

Establishment of a State Lighting Commission of Three Recommended With Power to Fix the Standard of Quality The Bills Won't Go In Until Monday.

ALBANY, April 28.-The Stevens New York city lighting investigating committee to-night held a four hours' session lasting until midnight and formally adopted its report, which will be submitted to the Legislature to-morrow. The report recommends the reduction in the price of gas from \$1 to 75 cents per thousand feet, a reduction in the price of electric light from 15 cents to 10 cents a kilowatt and the establishment of a State Lighting Commission. to have the same control and supervision of gas and electric lighting corporations in the State as the State Railroad Commission has of railroad corporations.

The committee's report will recommend legislation permitting New York city to establish a municipal electric lighting plant using only the power which can be generated from the water which is impounded in Ulster county and to an extent sufficient only for the purposes of increasing New York city's water supply to an adequate

This the committee believes will not be more than sufficient to afford electrical energy to supply the lighting facilities required by the city only. This precludes New York city from taking water from Ulster county to an extent that will enable the city to supply electric light to private

The Public Service Commission is to comrise three members, to be appointed by the Governor, and its powers and authority will be similar to that exercised by the Massachusetts Lighting Commission. Besides the above recommendations the committee's report makes others giving the proposed new State Public Service Commission authority to fix a standard of light to be furnished and to make rules regulating the ressure of air through gas pipes.

The committee in its report points out that it is just as important that the gas companies should be supervised by a centra! State authority regarding the quality and quantity of gas that is pushed through a pipe as it is to fix a low price.

The minority members read the report for the first time to-night, which was responsible for the lengthy meeting of the committee. They left the committee meeting without signing the report, and it is expected that they will submit a minority report. Although it is said that the report will be submitted to the Legislature tomorrow, it was said that the bills carrying out the recommendations of the committee will not be introduced until Monday night, as they are still in the course of preparation.

Assemblyman Merritt insisted upon one thing in regard to the State Public Service Commission, and that was that the expenses of the Commission should be paid out of the State Treasury, and not assessed pro rata upon the lighting corporations, as are the expenses of the railroad commission and the banking and insurance departments, which are paid by the corporations which they supervise respec-

The committee makes a strong recom gas and electric meters and devolves the duty of performing this inspection upon Commissioner Oakley of the New York city Department of Water Supply, Gas and

out the recommendations of the committee neasures which will not necessitate them being sent to Mayor McClellan for his approval, as would have to be done with purely city measures. It is believed that some of the bills to carry out the recomnendations of the committee cannot be framed except in a manner which will necessitate them being sent to Mayor McClellan as city bills.

Senator Stevens and his colleagues were too zealous for their own welfare in sitting up all night at the Fifth Avenue Hotel in New York last night in order to get out the report. Senator Stevens supposed that the report was to be handed in to the Legislature to-day. For that reason he had himself, his Republican colleagues and his counsel work until 4 o'clock this morning on the report. Then they hustled for the Empire State Express, hoping to get here before the Legislature adjourned

But they were frustrated at every point The Odell triumvirate of legislative leaders wanted to see that report before it was handed in and they did not propose to let their eagle eyes over the secrets contained in the voluminous looking document that Senator Stevens carried with so much care, embracing 35,000 words.

The Odell triumvirate, Speaker Nixon and Senators Raines and Malby, had yesterday impressed upon the members of the Legislature that to-day would be a regular working day of both houses instead of the usual short session that characterizes Fridays, and each house had a calendar of bills. But something changed that program, for to-day was a most unimportant one in legislative matters. Speaker Nixon rushed through the calendar of the Assembly keeping one eye on Majority Leader Rogers and the other on the clock all the time. The Empire State Express is due in Albany 11:13 o'clock. At 10:44 o'clock the As adjourned until to-morrow morn-

As soon as the Stevens committee reached here it went to the Hotel Ten Eyck, and then Senator Stevens called up Senator Raines on the telephone and told him the report was ready to be presented. He had telegraphed Senator Raines to this effect before he left New York. Before the committee could go the two blocks from the hotel to the Capitol the Senate had adjurned.

The minority members of the committee

The minority members of the committee Senator Grady and Assemblyman Palmer, had not as yet read the report. Senator Stevens announced that the committee would meet in the Senate Finance Comwould meet in the Senate Finance Committee rooms at 3 o'clock this afternoon to permit the Democratic committeemen to read the report. At that hour the Odell triumvirate entered the Senate Finance Committee room and considered the report with the Republican members, the Democratic members being excluded. After the triumvirate had read the report

Senator Stevens called a meeting of the committee at his room in the Hotel Ten Eyck at 8 o'clock to-night. It was 8:45 o'clock at so'clock to-night. It was 8:45 o'clock when the committeemen, accompanied by Attorney Hughes, were whisked up in the elevator to the Senator's room. Senator Grady and Assemblyman Palmer were in the party and they for the first time had an opportunity to see what was in the report. While the committee was in session Speaker Nixon and Senator Malby went to the hotel and conferred with Senator Stevens concerning the report.

UNTERMYER'S AUTO HELD UP. PADEREWSKI SERIOUSLY ILL Too Speedy, Said the Cop-Friend's Warn-

ing to Lawyer Came True. Samuel Untermyer, the lawyer, left his office at 30 Broad street at 5:30 o'clock

resterday afternoon and started for his ome in Yonkers in his automobile. As he started away a friend yelled after him: "Look out now and don't get arrested speeding."

"No fear," cried back the lawyer, "I lways go slow.

Henry Seenson, the lawyer's driver, ran e machine and he went north on Broadway. At Seventieth street he let out a notch and two blocks further on Bicycle Policeman Kupfrian of the West Sixtyeighth street station avers that the Untermyer automobile was fracturing the speed law. Kupfrian chased it, and at Seventyeighth street overhauled the machine.

When he stopped it Mr. Untermyer seem rprised, and then, when he thought of the warning of his friend when he started off, he had to grin. The driver ran the car to the West Sixty-eighth street station escorted by the bike cop. Mr. Untermyer said he wanted to give bail for Seenson and asked the desk sergeant how much was required. The sergeant said \$100 was

Then I guess my house at 675 Fifth venue will cover it?" said Mr. Untermyer. He gave the house as surety without putting a price on it. Then he started away to resume his interrupted trip to Yonkers.

DUKE AND DRIVER TOO SWIFT. Tobacco Man Held Up on Trial Trip of New Imported Auto.

Romar Grasser of 30 West Sixty-sixth street, who drives an automobile for J. B. Duke, president of the American Tobacco Company, was arraigned in the West Side court yesterday, charged with running his machine at twenty-two miles an hour. The automobile was a brand new 40 horsepower car that Mr. Duke had just paid the duty on and he was taking his initial spin in it at the time of the arrest. Bicycle Policeman Kupfrian of the West Sixtyeighth street station, who made the arrest, said that he followed the machine from Riverside Drive and Seventy-second street to Broadway and Sixty-eighth street.

The arrest was made within a couple of blocks of Mr. Duke's residence at 11 West Sixty-eighth street. He asked the policeman to allow him to be taken home is he was lame. Kupfrian went along and Mr. Duke sent his valet with \$100 cash to

the police station, to bail Grasser out. The driver is French and had difficulty in understanding Magistrate Crane, whose usual lecture was totally wasted on him. He asked Grasser if he ever stopped his machine to allow pedestrians to cross the road in front of him, or if he tooted his horn and expected them to run for their lives. After some trouble, Grasser comprehended the question and said he had stopped to let people cross in front of him. "If you ever did," said Magistrate Crane, you deserve the biggest medal in New

York. Grasser was held in \$300 bail for trial. Benjamin N. Duke, brother of J. B. Duke, appeared to bail out Grasser. He said that his brother's lameness was occasioned by a recent surgical operation on his foot. As security for Grasser he gave the \$500,000 house at Eighty-second street and Fifth avenue.

SCHWAB'S CONTRACTS.

antees to Increase the Efficiency of the Russian Fleet.

Special Cable Despatch to THE SUN LONDON. April 29.-The newspaper correspondents are busy sending from St. Petersburg rumors concerning the nego-The delay in introducing the bills carrying tiations of Charles M. Schwab with the Russian Government. The correspondent is the result of an attempt to draft general of the Standard says Mr. Schwab offered to build several warships of 16,000 tons burden, guaranteeing 20 per cent. greater efficiency than existing vessels of the same tonnage. They would be of the cruiser type, with the fighting value of battleships.

According to the correspondent, the offer is made possible by the discovery of a secret structural process, which, it is understood, consists of using an extremely strong steel composition, which permits the weight of vessels to be lessened. The vessels, more over, would combine high speed with a wide steaming radius, and would mount

the heaviest guns. The St. Petersburg correspondent of THE SUN is informed that the contract has not been concluded, but the Standard's correspondent speaks of a preliminary contract, under which some of the vessels will be built in America.

BIG GUARD IN ST. PETERSBURG. Many Arrests Made in Anticipation of Rioting on Sunday.

Special Cable Despatch to THE SUN PARIS, April 28.—One hundred thousand troops are massed in St. Petersburg in anticipation of popular disturbances on May 1. Last night 1,500 arrests were made. Governor-General Trepoff has issued an order enjoining the populace to pay no attention to rumors of what may be ex-pected next Sunday. He says that any attempt to create a disturbance will be ruthlessly suppressed.

IN FRED H. WILSON'S BEHALF. Strong Political Influence to Secure His Reinstatement in Indian Warehouse.

WASHINGTON, April 28 .- Strong political nfluence is being brought to bear on the Interior Department to secure the reinstatement of Fred H. Wilson, recently dismissed as inspector in charge of the Indian warehouse at New York. Sena I. C. Platt and two or three Republic members of the House from New York ave written Secretary of the Interior Hitchcock urging Wilson's reinstatement, and it is understood that Senator Nathan B. Scott of West Virginia and Cornelius N. liss of New York, treasurer of the Reput Bliss of New York, treasurer of the Repub-lican national committee, have interested themselves in the case. Wilson has been employed at Republican national head-quarters in the last two national cam-paigns and has rendered the party services such a character as to command strong

if was said at the Interior Department It was said at the interior Department to-day that, instead of securing reinstatement, Wilson will more likely be prosecuted for alleged irregularities in his management of the warehouse. It was declared emphatically that Wilson will not be reemphatically the stored to the Government employ, and that the question as to whether he will be prosecuted depends solely on the character of the evidence that can be procured against him. The evidence gathered by the inhim. The evidence gathered by the in-spector who investigated his case, it was asserted, was sufficient to bring about his dismissal, but there is a question whether it is of a character that will justify legal proceedings.

STRICKEN WITH NEURITIS AND ENGAGEMENTS CANCELED.

His Neck and Arms Affected and He Must Stop Playing-Physician Won't Say How Long-Seized With Sudden Pains at Concert in Canada-Sails May 10.

BUFFALO, April 28.-Ignace Paderewski, the pianist, was stricken with neuritis while playing at London, Ont., Thursday evening, and all engagements for the rest of his tour have been canceled. His neck and arms are affected, but his physician would not state how serious his condition is or how long his playing would be interrupted. He is now on his way to Boston.

The pianist was playing a difficult piece when he was seized with terrific pains in his neck, and for a moment the intense pain sickened him. He finished the performance, however, and went to his private car. When he reached Hamilton, Ont. this morning, on his way to Niagara Falls, where he was scheduled to play to-night, his condition was so serious that his friends telegraphed for Dr. Francis E. Fronczak, a Polish physician of Buffalo, who had attended him before, to meet the train at

Dr. Fronczak, after a brief examination nnounced positively that all engagements must be canceled. There were ten on the schedule. The car was hooked on immediately to a through train for Boston. It passed through Buffalo bound for the East this afternoon. Dr. Fronczak

went along. Dr. Fronczak said that Paderewski was uffering from neuritis, affecting his head and neck. When he reached Niagara

Falls this morning his arms were stiff. The concert at London was the seventysixth of the artist's present tour. Next Sunday night he was to have played with the Boston Symphony Orchestra in Boston have appeared at the benefit to Modjeska New York at the Metropolitan Opera

Paderewski himself had arranged the Modjeska benefit and was on the program for about a dozen numbers. His inability to play at the benefit of his countrywoman was a severe blow. He lamented it bitterly when he heard the doctor's dictum.

Paderewski will sail for home on May 10, his managers decided to-day after a conference with Dr. Fronczak. His plans beyond that will depend on his condition, but he may rest a year or so and devote his time to composition. This was his sixth American tour.

Daniel Frohman received a telegram om Mrs. Paderewski last night saying that her husband had broken down completely and was in bad shape and would require a long rest before he could appear in public again. It would be absolutely next Tuesday at the benefit to his countrywoman, Mme. Modjeska. Mr. Paderewski must be very sick if he

has given up all hope of appearing at the Modjeska benefit, for he was one of the prime movers in getting it up. Daniel Frohman is to manage it, and Paderewski was to be the star of the occasion. As soon as he received the telegram

went scurrying to try and fill the gap left vacant. Late last night De Pachmann the planist, agreed to play and Mr. Frohman hopes to get at least two other eminent pianists. Paderewski was to have been the best nan at the wedding of his pupil, Ernest Schelling, to Miss Lucy Draper of 604 Fifth

avenue. This marriage is to take place on May 3. Miss Draper said last night that she didn't think Paderewski was as ill as the early reports said. She based her views on a telegram that had been received at her home last night. Miss Draper said that Mr. Schelling was in town and that even if Paderewski could not appear at her wedding that wouldn't postpone it.

REOUGHT HORSE TO ITS KNEES. Policeman Taylor Stops a Runaway in a Busy Brooklyn Street.

Alexander M. Taylor of the mounted traffic squad on duty at the Borough Hall. Brooklyn, yesterday afternoon saw runaway horse dash down Remsen street and turn into Court street, heading toward the cab stand alongside the park. He was on foot, his horse being sick, and he sprang at the runaway, getting a firm hold on the bridle. The horse, which was attached to a heavy delivery wagon owned by the Atlantic and Pacific Tea Company, continued running, dragging the officer and finally dashing headlong into a hansom, upsetting the cab and horse attached and badly damaging both.

The frightened animal, excited by the shouts of men and the struggles of the officer, who still clung to the bridle, did not stop, but turned and attempted to conthe crowded crossings at Montague street. Taylor had recovered from the blow that he received when he was forced against the cab and thrust his left fist against the windpipe of the running horse with such force as to bring him to his knees. The plucky action of the officer was witnessed and cheered by a large crowd, several of whom hurried to his assistance when the horse fell and helped him to hold animal when he struggled to l Taylor was badly bruised about the body and legs, and his uniform was almost torn from him. He was sent to his home and placed on the sick list. The incident was

witnessed by Sergt. McCarthy, who is in charge of the traffic squad in Brooklyn. TWICE HIT BY HIS OWN GUN. Austrian Merchant Arrested for Carrying

It After It Shot Him. Matthew Bussanich, 46 years old, a leather merchant from Vienna, Austria, stopping at the Hotel Lafayette-Brevoort, Fifth by Policeman Brown of the Oak street station last night on a charge of carry-ing a concealed weapon.

Bussanich was ruppin.

ing a concealed weapon.

Bussanich was running through FrankBorstariet when a loaded .38 caliber revolver
fell from his pocket. As the gun struck
the pavement a cartridge in one of the
chambers exploded. The bullet struck
Bussanich on the left wrist, inflicting a

painful wound.

Policeman Brown summoned a surgeon from the Hudson street hospital, who extracted the bullet. Bussanich was then taken to the Oak street station, where he said that Theodore Minzenheimer, a letther merchant, of 97 Gold street, was his friend, and would bail him out. He said he didn't know he was violating a law in carrying a revolver here.

Minzenheimer bailed him.

THE PRESIDENT TAKES A REST. Will Do No More Hunting Until Monday, but Denies That He is III.

GLENWOOD SPRINGS, Col., April 28 .-President Roosevelt did not participate in the hunt to-day, according to a telephone message received from a rancher living close to Camp Roosevelt. It is further stated that he intends to rest until Monday. The President communicated with Secretary Loeb this afternoon and gave a quietus to the reports that he is in ill health. message came over the telephone, the President dictating it to Courier Chapman, who rode from the camp to a nearby ranch. The President's message in part was as

follows: "We got four bears yesterday. All are

The rest of the President's message related to public matters and was to-night communicated to Secretary of War Taft.

FIGHTING IN CRETE. Three Insurgents and One Gendarme Killed The Peasants Are Arming.

Special Cable Despatch to THE SUN. CANEA, Crete, April 28 .- In the fight at Vonkolies between a number of insurgents and fifty gendarmes three of the insurgents were killed and six wounded. One gendarme was killed and three wounded. The populace burned the police station. Fourteen gendarmes are missing. The peasants

are arming. SUNDAY BALL TEST CASE. Catcher Ritter and Pitcher Eason of the Brooklyn Club to Be Tried.

By the arrest of Louis Ritter, catcher, and Wallace W. Eason, pitcher of the Brooklyn Baseball Club, for alleged violation of the Sunday law by participating in the game at Washington Park last Sunday, the whole question involved will be again submitted to judicial review.

Ritter and Eason were arraigned yesterday before Magistrate O'Reilly in the Adams street court, but at the request of former Police Commissioner Bernard J. at its benefit and next Tuesday he was to York, counsel for the club, the examination went over to May 6. The testimony for the prosecution has been obtained by the Kings County Sabbath Observance Association.

INTERBOROUGH RAISES WAGES. All Gatemen and Guards to Get an Increase in Pay on May 1.

The Interborough Rapid Transit Company notified the gatemen and guards on the elevated railroads and the subway yesterday of an increase of wages beginning May 1. It had been the intention of the company before the strike to raise the wages, but the men did not know that it would be carried out.

All first year gatemen are to be increased from \$1.40 to \$1.50 per day, all first class guards on the rolls on May 1, 1905, will be advanced to second year rate, \$1.70 per day. Men employed as or promoted to guard after May 1, 1905, will receive \$1.55 impossible for her husband to appear here | per day, the regular first year guard's rate. General Manager Hedley, who notified the men of the increase in wages, said to a

Sun reporter last evening: "When the men were being taken on an attempt was made apparently to create the impression that we were going to cut wages. We intend to have our men the highest paid in the country for the work from Mrs. Paderewski, Manager Frohman prevail equally among all who have been Young was killed. She answered that she

May 1, whether strikers or not." FORGERY NO CRIME IN INDIANA. Omission of a Definition in New Criminal

Code Leaves No Law in Force. INDIANAPOLIS, April 28.—The discovery was made to-day that forgery has ceased to be a crime in Indiana, owing to the omission of its definition in the new criminal code, which was adopted by the recent Legislature and went into effect a few days ago. The most careful searching of the printed act fails to disclose any definition of the crime of forgery or any penalties fixed for its commission, and it is the opinion of many lawyers that, inasmuch as the Criminal Code act contains a section declaring that "all laws within the purview of this are hereby repealed," there is no law in force by which such a crime can be

punished. The omission was discovered by the class in the law college. The omission will affect persons now under indictment for the crime, as there is no law under which they can be tried, the old law having been re-

pealed. WOMAN FOILS TRAIN WRECKERS. Discovers Plan to Place Dynamite on Tracks

and Is Badly Beaten. UNIONTOWN, Pa., April 28.-A deliberate attempt to dynamite at Le Mont on Wednesday night the Pennsylvania Railroad passenger train due here at 7:47 P. M. was frustrated by a woman and is being investigated by officers of the company Mrs. Sadie Lewis of Le Mont has reported to the officers that she heard two men say time his run down Court street toward | that they had a grievance against the Pennsylvania Railroad and that they planned to place dynamite on the tracks. The men started toward the railroad, and Mrs. Lewis, hoping to thwart their plans, followed them. Seeing that they were discovered, the men beat her unmerci-

fully, threw her across the track and ran. Mrs. Lewis was unconscious for a few moments, but recovered as she heard the train approaching. By the light of the engine she saw the sticks on the rail, brushed them aside and escaped with only a few seconds to spare. Uniontown officers were notified. They found Mrs. Lewis badly beaten, her head severely out and both eyes badly swollen.

PLANS FOR ALL NIGHT BANK. An Eleven Story Building Proposed, to Cast \$350,000

The plans for the proposed new all night bank to be erected at the southeast corner of Fifth avenue and Forty-fourth street have been filed with Building Superintendent Hopper for "The First Day and Night State Bank" as owner. W. H. Chesebrough is president of this company

The building is to be an eleven story and casement fireproof edifice, the upper stories ing fitted for offices. feet on the avenue and 65 feet on the street, and will have a façade of ornamental brick trimmed with South Dover white marble. The entrance will be adorned with two large Corinthian columns supporting a scorated cornice.

The cost is estimated at \$350,000 by Henry

Ives Cobb, the architect. It is to be built by the V. J. Hedden Sons Company of Newark. After all. USBER'S, the Scotch that made the

EVIDENCE ALL IN

No Witnesses to Be Called in Nan Patterson's Defense.

SISTER STANDS BY HER.

Mrs. Smith Rejects Rand's Offer to Dismiss Indictment.

Condition Was That She Should Freely Answer His Questions-Prosecution Gets in Evidence Tickets Showing That the Smiths Pawned Bracelets and Bing at Hyman Stern's, Where the Revolver Was Bought -Sister of the Accused on the Stand Most of Day -Mrs. Young Only Other Witness.

Nan Patterson, through her counsel, has decided to leave her fate with the jury without making any defense to the charge that on the morning of June 4 last she murdered Bookmaker Casar Young in a cab. This decision was arrived at yesterday afternoon after the prosecution had put in its case and after a lot of new evidence, considered to be very damaging to the chorus girl, had been introduced.

From the prosecution's standpoint the principal witness against the prisoner was . her sister, Mrs. Julia Smith, the wife of J. Morgan Smith. Three pieces of jewelry, two of which had been given to her by her mother, Mrs. Smith identified as belonging to her. Pawntickets were admitted in evidence showing that the jewelry had been pawned in Hyman Stern's pawnshop, where the revolver was bought on June 3, the day before Young was killed. Mrs. Smith swore that she had given the jewelry to her husband to pawn, but that he didn't know where he had pledged it.

The pawntickets were dated Oct. 5, 1904, and by a number of questions Assistant District Attorney Rand tried to show that they were renewal tickets. It was not contended by Mr. Rand that the jewelry had been pawned the day before the shooting, although in a series of questions in an attempt to confuse Mrs. Smith he asked her if she didn't know that the jewelry had been pawned on that day. When Mr. Levy demanded of Mr. Rand to produce any pawntickets dated June 3 Mr. Rand ad-

mitted that he had none. BAND'S PROMISE TO PREE MRS. SMITH. All this testimony was brought out after Mr. Rand had promised Mrs. Smith to free her from the indictment for conspiracy if she would answer his questions about what happened after she and her husband left this city soon after Young was killed and a day or two before Nan Patterson was

indicted Mr. Rand had asked Mrs. Smith if she they are doing. The year's seniority will left this city on June 8, four days after employed and would be entitled to it by would be pleased to tell if it were not that she was under indictment for conspiracy and that any answer she made might tend to degrade or convict her of a crime. his arms outstretched and in a pleading tone Mr. Rand walked until he was directly in front of the witness.

"And is that your only reason?" he asked. She paused, shifting her eyes from her sister to Mr. Levy. "Yes, sir, it is," she answered hesitatingly.

Mr. Rand stepped back and in a solemn tone told her that he was the Acting District Attorney and that he would guarantee that if she answered his questions he would immediately have the indictment dismissed. She smiled at him approvingly it seemed.

Then she asked if she might consult with her counsel, Herbert B. Limburger, and Recorder Goff granted the request. Mr. Limburger at that moment was in octher part of General Sessions arguing

before Judge Foster for the dismissal of the indictment. He was sent for and at the same time the indictment was sent for. Mrs. Smith left the stand and for some five minutes had a consultation with her lawyer in the Judge's private room. With set face she returned to the stand. The question was repeated, and she started to explain what her counsel's advice had been, but the Recorder stopped her.

STICKS BY HER CHORUS GIRL SISTER. Then came the struggle. Mr. Rand repeated the question several times, first coaxing, then threatening. Finally, grabbing the arms of the chair and straightening herself until she became rigid, she answered defiantly: "No. sir; I will not. I will stick by my

"All right!" shouted Mr. Rand, his voice sounding high above the buzz in the court-After that Mrs. Smith declined to answer some twoscore questions, taking refuge in her privilege. Mr. Rand made his offer again later in the day, but she threw it

aside. After being on the stand all morping, she left it weak, but still defiant. "I feel good," she said, "but at the finish I think they had me a little bit rattled." With the exception of Mrs. Margaret Young, who was a witness for only a few moments, Mrs. Smith was on the stand all day. She said that she knew that Hyman Stern was in Toronto in March last, but denied that she knew he was there

in an effort to identify either her or her husband. A letter which was marked for identification, but not admitted in evidence or read to the jury, she said was in her handwriting. That letter was supposed to have some reference to Stern. Another letter which she said was in her handwriting was also introduced by Mr. Rand, but not admitted in evidence, nor was it read to the jury. This letter, or a section of it, is supposed to show that she

judgment, but am simply acting under L. & U.'s orders, as you are.' THE PROSECUTION'S CASE CLOSED. When Mr. Rand got through with Mrs. Smith, he announced that the prosecution's case was in. It was then a few minutes

wrote to her husband telling him to stay

away as "I am not trusting to my own

after 4 o'clock. Mr. Unger made the usual motions for the dismissal of the indictment on the ground that no crime had been shown to have been committed; that Mr. Rand had failed to